

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAYMOND J. MANSFIELD, III

: CIVIL ACTION –LAW  
: No. 08-CV-3263  
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v.

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ROBERT BRENNAN and  
ROMA FOOD CORPORATION  
And PENSKE TRUCK LEASING

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**DEFENDANT ROMA FOOD ENTERPRISES INC. (IMPROPERLY IDENTIFIED AS  
ROMA FOOD CORPORATION) AND PENSKE TRUCK LEASING COMPANY, L.P.'S  
ANSWER TO PLAINTIFF'S COMPLAINT WITH AFFIRMATIVE DEFENSES**

1. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial.

2. Denied as stated. It is admitted only that Robert Brennan was an employee, servant and/or agent of Roma Food Enterprises, Inc. at all times material hereto. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

3. Admitted. By way of further, Roma Food Enterprises, was acquired by Vistar maintains a place of business located 12650 East Arapahoe Road, Centennial Colorado. It is admitted that Roma Food Enterprises was the employer of Robert Brennan at all times material hereto.

4. Admitted.

5. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial.

6. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial.

7. Denied as stated. It is admitted only that Vistar Corporation entered into a Vehicle Lease Service Agreement with Penske Truck Leasing Co., L.P., for a 2005 Freightliner truck.. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

8. Denied as stated. It is admitted only that Vistar Corporation entered into a Vehicle Lease Service Agreement with Penske Truck Leasing Co., L.P., for a 2005 Freightliner truck. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

9. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

10. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

11. Defendants incorporate by reference their answers to paragraphs 1 through 10 inclusive as though fully set forth herein at length.

12. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

13. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

14. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

15. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this

paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

16. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

17. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

WHEREFORE, defendants hereby request this Honorable Court to dismiss the Plaintiff's Complaint and award costs and fees in favor of the answering defendants.

18. Defendants incorporate by reference their answers to paragraphs 1 through 17 inclusive as though fully set forth herein at length.

19. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this

paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

20. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

21. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

22. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

23. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is

demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

24. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

WHEREFORE, defendants hereby request this Honorable Court to dismiss the Plaintiff's Complaint and award costs and fees in favor of the answering defendants.

25. Defendants incorporate by reference their answers to paragraphs 1 through 24 inclusive as though fully set forth herein at length.

26. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

27. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this

paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

28. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

29. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

30. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

31. Denied. After reasonable investigation, answering defendants are without knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph of Plaintiff's Complaint and therefore same are denied and strict proof is

demanded at time of trial. By way of further answer, the allegations contained within this paragraph of the Complaint contain conclusions of law to which no responsive pleading is required pursuant to the Federal Rules of Civil Procedure.

WHEREFORE, defendants hereby request this Honorable Court to dismiss the Plaintiff's Complaint and award costs and fees in favor of the answering defendants.

**AFFIRMATIVE DEFENSES**

32. Plaintiff's claims are barred by the applicable Statute of Limitations.
33. Plaintiff's claims are barred or limited by the principles of comparative negligence.
34. Plaintiff's Complaint fails to state a cause of action upon which relief may be granted against defendants.
35. Plaintiff's injuries and damages, if any, which are denied, were not caused by any acts and/or omissions of defendants, but were rather caused, if at all, by the acts and/or omissions of individuals and/or entities over which defendants had no control nor any duty to control.
36. Plaintiff's Complaint is barred by the doctrine of assumption of the risk.
37. Plaintiff's claims against defendants are barred and/or reduced and/or limited by the provisions of Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa.C.S.A. §1701, et seq.
38. Plaintiffs' Complaint should be dismissed for lack of personal jurisdiction.
39. Plaintiffs' Complaint should be dismissed for lack of subject matter jurisdiction.

40. Defendant deny the negligence alleged.

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN

BY: /s/ Edward J. Tuite  
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**CERTIFICATE OF SERVICE**

I, Edward J. Tuite, Esquire, an attorney for the defendants, hereby certifies that on August 21, 2008, I served the following with a copy of Defendants Roma Food Enterprises, Inc. and Penske Truck Leasing Company, L.P.'s Answer to Plaintiff's Complaint, by first class mail, postage pre-paid:

Brian M. Felgoise, Esquire  
261 Old York Road  
P.O. Box 706  
Jenkintown, PA 72792

/s/ Edward J. Tuite

Edward J. Tuite